



UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 2

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/779,949	02/17/2004	Benedict U. Pauli	18617.0new

26712
HODGSON RUSS LLP
ONE M & T PLAZA
SUITE 2000
BUFFALO, NY 14203-2391

FORMALITIES LETTER



OC000000013019298

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)). See Figure(s) 3B,18A-C.
 - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 13d.

SUMMARY OF FEES DUE:

08/24/2004 YPOLITE1 00000004 10779949

01 FC:2051

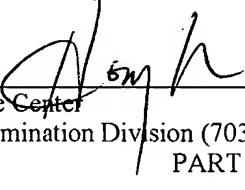
65.00 0P

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
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Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

FEE TRANSMITTAL**for FY 2004**

Effective 10/01/2003. Patent Fees are subject to annual revision.

■ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

AUG 23 2004
U.S. PATENT & TRADEMARK OFFICE
C57

Application Number 10/779,949

Filing Date February 17, 2004

First Named Inventor Bendicht et al.

Examiner Name

Group/Art Unit

Attorney Docket Number 18617.0081

METHOD OF PAYMENT (check all that apply)**FEE CALCULATION (continued)** Check Credit Card Money Order Other None Deposit Account: Deposit Account Number: 08-2442

Deposit Account Name: Hodgson Russ LLP

The Director is hereby authorized to (check all that apply)

 Charge fee(s) indicated below Charge any fee deficiencies or credit any overpayments Charge any additional fees during pendency of this application. Charge fees indicated below, except for the filing fee to the above-identified deposit account**3. ADDITIONAL FEES**

Large Entity	Small Entity				Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1051	130	2051	65	Surcharge - late filing fee or oath	\$ 65
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$
1053	130	1053	130	Non-English specification	\$

FEE CALCULATION1812 2,520 1812 2,520 For filing a request for *ex parte* reexamination \$**1. BASIC FILING FEE**Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	
1804	920*	1804	920*	Requesting Publication of SIR prior to Examiner Action
1805	1,840*	1805	1,840*	Requesting Publication of SIR after Examiner Action

1001 770 2001 385 Utility filing fee \$ 1251 110 2251 55 Extension for reply within first month \$

1002 340 2002 170 Design filing fee \$ 1252 420 2252 210 Extension for reply within second month \$

1003 530 2003 265 Plant filing fee \$ 1253 950 2253 475 Extension for reply within third month \$

1004 770 2004 385 Reissue filing fee \$ 1254 1,480 2254 740 Extension for reply within fourth month \$

1005 160 2005 80 Provisional filing fee \$ 1255 2,010 2255 1,005 Extension for reply within fifth month \$

SUBTOTAL (1) \$ 0 1401 330 2401 165 Notice of Appeal \$**2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE**
Extra Fee from
Claims below

Total Claims // -20** = // x / /= \$ 1402 330 2402 165 Filing a brief in support of an appeal \$

Independent Claims // - 3** = // x / /= \$ 1451 1,510 1451 1,510 Petition to institute a public use proceeding \$

Multiple dependent // x / /= \$ 1452 110 2452 55 Petition to revive - unavoidable \$

Large Entity Small Entity
Fee Code (\$)

Fee Code (\$)

Fee Description

1453 1,330 2453 665 Petition to revive - unintentional \$

1501 1,330 2501 665 10 advance copies
Utility issue fee (or reissue) \$

1202 18 2202 9 Claims in excess of 20 \$ 1502 480 2502 240 Design issue fee \$

1201 86 2201 43 Independent claims in excess of 3 \$ 1503 640 2503 320 Plant issue fee \$

1203 290 2203 145 Multiple dependent claim if not paid \$ 1460 130 1460 130 Petitions to the Commissioner \$

1204 86 2204 43 **Reissue independent claims over
original patent \$ 1807 50 1807 50 Processing fee under 37 CFR 1.17(g) \$1205 18 2205 9 **Reissue claims in excess of 20 and
over original patent \$ 1806 180 1806 180 Submission of Information Disclosure Statement \$**SUBTOTAL (2)** \$ 0 8021 40 8021 40 Recording each patent assignment per property (times
number of properties) \$SUBMITTED BY:
John D. Lopinski Reg. No. 50,846 \$ 1809 770 2809 385 Filing a submission after final rejection(37 CFR 1.129(a))SIGNATURE *J.D. Lopinski* \$ 1810 770 2810 385 For each add'l invention to be examined(37 CFR 1.129(b))

DATE: August 19, 2004 Telephone: (716) 848-1430 \$ 1801 770 2801 385 Request For Continued Examination (RCE)

1802 900 1802 900 Request for Expedited Examination of a design application \$

Other fee (specify) \$

*Reduced by basic filing fee paid \$ 1803 900 2803 385 **SUBTOTAL (3)** \$ 65



I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 19, 2004

Pam Assad

Name

Signature

August 19, 2004

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bendicht et al.

Serial No.: 10/779,949

Filed: February 17, 2004

For: Calcium-Activated Chloride Channel Proteins And Their Use In Anti-Metastatic Therapy

RESPONSE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

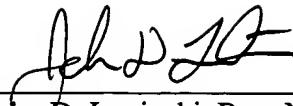
Responsive to the Notice to File Missing Parts of Non-provisional Application mailed June 22, 2004 (copy enclosed), herewith is the executed Declaration and the \$65.00 filing fee.

Applicants have further enclosed replacement drawings. In compliance with 37 CFR 1.84 and 1.121, the replacement drawing have each been labeled "Replacement Sheet".

Applicants point out that Figure 3B now correctly lists "Figure 3B" at the bottom of the sheet. Figure 13 is also corrected to identify Figure 13A and to have the complete text of "Voltage (mV)" shown. Figures 18A-18C, which were formerly mislabeled as Figures 17A-17C, have been provided with the corrected numerals.

If any underpayment or overpayment has been made, please charge to Deposit Account No. 08-2442.

Respectfully submitted,
HODGSON RUSS LLP

By 
John D. Lopinski, Reg. No. 50,846

One M&T Plaza, Suite 2000
Buffalo, New York 14203
(716) 848-1628
Dated: August 12, 2004

949988 v1 (KD0K01!.DOC)